IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4765 of 2007()

[CRIME NOT REGISTERED - MOOVATTUPUZHA POLICE STATION]

PETITIONER

DANAVAN @ DANASEELAN, S/O.RAJAPPAN,
AGED 50 YEARS, PARAMBITHERIL HOUSE,
KATTATHURUTHU, MOOTHAKUNNAM, PARAVOOR.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
MUVATTUPUZHA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4765 of 2007

Dated this the 13th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner is the sole accused in a crime registered inter alia under Section 420 I.P.C. According to the de facto complainant, he had sold a vehicle to the petitioner and the petitioner had issued a demand draft for Rs.6,07,500/-. This amount was received by the de facto complainant as price of the car. It is the complaint of the de facto complainant that the petitioner had created false documents to make it appear that the said payment was a payment made as advance/loan to the de facto complainant. The crime has been registered on the basis of a reference of the complaint under Section 156(3) Cr.P.C by the learned Magistrate. Investigation is in progress. The petitioner apprehends that he may be arrested and detained by the police. The crime number is not furnished in the application as the petitioner was not sure whether any crime has been registered.

2. The learned Public Prosecutor, after taking instructions, submits that crime No.809/2007 has in fact been

registered on the basis of a private complaint referred to the police by the learned Magistrate. Investigation is in progress. The learned Public Prosecutor does not oppose the prayer for grant of anticipatory bail.

3. I have considered all the relevant inputs. In the absence of opposition from the learned Public Prosecutor, it is not necessary to advert to facts in greater detail. Suffice it to say that I find merit prima facie in the contentions of the learned counsel for the petitioner that the transaction is a civil transaction in respect of which civil proceedings have already been initiated between the parties. I find the contention of the petitioner that the belated complaint has been filed without justifiable reasons. worthy of serious consideration. Subject to appropriate conditions, which shall ensure the interests of a fair, efficient and expeditious investigation, anticipatory bail can be granted to the petitioner, I am satisfied.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 20/08/2007.

ii) He shall be released on regular bail on condition that

he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 5 p.m on 21/08/2007 and 22/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 20/8/2007, he shall be released from custody on his executing a bond for Rs.50,000/-(Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 20/8/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007